

REMARKS

Claims 1-19 have been rejected and are currently pending. Claims 1 and 4 have been amended. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Double Patenting Rejection:

Claims 1-19 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,527,388. The Examiner states that, although the conflicting claims are not identical, they are not patentably distinct from each other because the patent is directed to the method of using the instantly claimed ink jet recording element and recites in its claims all the instantly claimed aspects of the recording element.

Claims 1, 7, 8, 9, 13, 14, 15 and 16 have also been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,447,111. The Examiner notes that the inorganic particles of the ink receiving layer may be fumed silica or alumina (cl. 2 of the patent) and the polymeric particles may include (vinylbenzyl)dimethylbenzyl quaternary ammonium salt moiety and be of diameters from 10 to about 500 nm (cl. 6 and 7 of the patent).

Applicants herewith submit terminal disclaimers with respect to commonly assigned U.S. Patent No. 6,527,388 and U.S. Patent No. 6,447,111.

Rejection of Claims 1-19 under 35 U.S.C. 112:

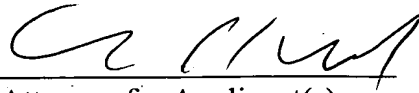
Claims 1-19 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the language "at least about" in claim 1 is confusing because "at least" would lead one to believe that the value was the absolute lowest that is acceptable, while "about" would lead one to believe that this is an approximate value and that lower values might be within the claimed range.

Applicants have amended claim 1 and 4 to clarify that the recited values are indeed the absolute lowest values.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action

by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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